

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2008-0554

MANDATORY PENALTY
IN THE MATTER OF

NEVADA COUNTY SANITATION DISTRICT NO. 1
CASCADE SHORES WASTEWATER TREATMENT PLANT
NEVADA COUNTY

This Order is issued to the Nevada County Sanitation District No. 1 (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability (ACL). This Order is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order Nos. 94-160 and 5-01-177 (NPDES No. CA0083241).

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) finds the following:

1. The Discharger owns and operates the Cascade Shores Wastewater Treatment Plant (the WWTP), a wastewater collection, treatment, and disposal system that provides sewerage service to the Cascade Shores community. Treated municipal wastewater is discharged to Gas Canyon Creek, a water of the United States.
2. On 20 May 1994, the Regional Water Board adopted WDRs Order No. 94-160 to regulate discharges of waste from the WWTP. The WDRs included effluent limitations and other requirements regarding the waste discharges.
3. On 14 June 2001, the Regional Water Board adopted WDRs Order No. 5-01-177, which contained new requirements and rescinded WDRs Order No. 94-160. The WDRs include effluent limitations and other requirements regarding the waste discharge.
4. On 4 May 2006, the Regional Water Board adopted Cease and Desist Order (CDO) No. R5-2006-0035. The CDO includes a time schedule to comply with effluent limitations for BOD, total suspended solids, settleable solids, chlorine residual, total coliform organisms, turbidity, ammonia, and nitrate by 30 September 2007.
5. On 5 May 2005, the Assistant Executive Officer of the Regional Water Board issued ACL Complaint No. R5-2008-0521. The ACL Complaint charged the Discharger with civil liability in the amount of \$411,000, which represented the sum of the statutory Mandatory Minimum Penalties (MMPs) for effluent limitation violations that occurred at the WWTP from 1 January 2000 to 31 December 2007. The Discharger subsequently submitted information about its compliance project. During preparation of this ACL Order, staff found additional penalties for the period from 3 October 2007 through 31 December 2007. In addition, staff extended the period of review through 30 April 2008. A listing of all violations subject to MMPs through 30 April 2008 is found in Attachment A.

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6. CWC section 13385(h) and (i) require assessment of mandatory penalties and state, in part, the following:

CWC section 13385(h)(1) states, "Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation."

CWC section 13385 (h)(2) states, "For the purposes of this section, a 'serious violation' means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more."

CWC section 13385(i)(1) states, "Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- (A) Violates a waste discharge requirement effluent limitation.*
- (B) Fails to file a report pursuant to Section 13260.*
- (C) Files an incomplete report pursuant to Section 13260.*
- (D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants."*

7. CWC section 13323 states, in part:

"Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability."

8. WDRs Order No. 94-160 Effluent Limitations No. C.1 includes, in part, the following effluent limitations:

Constituent	Units	Monthly Median	Monthly Average	Weekly Average	Daily Maximum
BOD ¹	mg/l	—	15	20	35
Total Suspended Solids	mg/l	—	15	20	35
Settleable Solids	ml/l	—	—	—	0.1

Constituent	Units	Monthly Median	Monthly Average	Weekly Average	Daily Maximum
Chlorine Residual	mg/l	—	—	—	0.02
Total Coliform Organisms	MPN/100 ml	2.2	—	—	23

¹ 5-day, 20°C biochemical oxygen demand (BOD)

9. WDRs Order No. 94-160 Provision No. C.3 includes the following effluent limitations:
“The discharge shall not have a pH less than 6.5 nor greater than 8.5.”
10. WDRs Order No. 5-01-177 Effluent Limitations No. B.1.A. includes, in part, the following effluent limitations:

Constituent	Units	Monthly Average	Weekly Average	Monthly Median	Daily Maximum
BOD ¹	mg/L	15 ²	20 ²	--	35 ²
	lb/day ³	3.3	4.3	--	7.6
Total Suspended Solids	mg/L	15 ²	20 ²	--	35 ²
	lb/day ³	3.3	4.3	--	7.6
Settleable Solids	mL/L	0.1	--	--	0.2
Chlorine Residual	mg/L	--	--	--	0.02
Total Coliform Organisms	MPN/100 mL	--	--	2.2	23

¹ 5-day, 20°C biochemical oxygen demand (BOD)

² To be ascertained by a 24-hour composite

³ Based upon a design treatment capacity of 0.0260 mgd ($x \text{ mg/L} \times 8.345 \times 0.0260 \text{ mgd} = y \text{ lb/day}$)

11. WDRs Order No. 5-01-177 Effluent Limitations No. B.1.B. includes, in part, the following effluent limitations (in effect, pursuant to CDO No. R5-2006-0035, on 30 September 2007):

Constituent	Units	Monthly Average	Weekly Average	7-Day Median	Daily Maximum
Chlorine Residual	mg/L	--	0.01		0.02
Total Coliform Organisms	MPN/100 mL	--	--	2.2	23
Turbidity ⁴	NTU	2			5
Ammonia	mg/L		Attach. C		Attach. B

⁴ The daily maximum limit is 5 NTU, the daily average shall not exceed 2 NTU.

12. WDRs Order No. 5-01-177 Effluent Limitations No. B.4 includes the following effluent limitations: *“The discharge shall not have a pH less than 6.5 nor greater than 8.5.”*

13. WDRs Order No. 5-01-177 Effluent Limitations No. B.5 includes the following effluent limitation: *"The concentration of dissolved oxygen shall not fall below 7.0 mg/l in the discharge."*
14. According to the Discharger's self-monitoring reports, the Discharger committed thirty-four (34) Group I serious violations of the effluent limitations contained in WDRs Order Nos. 94-160 and 5-01-177 during the period beginning 1 January 2000 and ending 30 April 2008. The violations are defined as serious because measured concentrations of Group I constituents exceeded maximum prescribed levels by more than 40 percent on these occasions. The mandatory minimum penalty for these Group I serious violations is **one hundred two thousand dollars (\$102,000)**.
15. According to the Discharger's self-monitoring reports, the Discharger committed three (3) Group II serious violations of the effluent limitations contained in WDRs Order Nos. 94-160 and 5-01-177 during the period beginning 1 January 2000 and ending 30 April 2008. The violations are defined as serious because measured concentrations of Group II constituents exceeded maximum prescribed levels by more than 20 percent on these occasions. The mandatory minimum penalty for these Group II serious violations is **nine thousand dollars (\$9,000)**.
16. According to the Discharger's self-monitoring reports, the Discharger committed one hundred twenty-five (125) non-serious violations of the effluent limitations contained in WDRs Order Nos. 94-160 and 5-01-177 during the period beginning 1 January 2000 and ending 30 April 2008. One hundred thirteen (113) of the non-serious violations are subject to mandatory penalties under CWC Section 13385(i)(1), because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **three hundred thirty-nine thousand dollars (\$339,000)**.
17. The total amount of the mandatory penalties assessed for the cited effluent violations is **four hundred fifty thousand dollars (\$450,000)**. A detailed list of the cited violations is included in Attachment A, a part of this Order.
18. CWC section 13385 (k) states:

"(1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:

(A) The compliance project is designed to correct the violations within five years.

(B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.

(C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.

(2) For the purposes of this subdivision, "a publicly owned treatment works serving a small community" means a publicly owned treatment works serving a population of 10,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works."

19. The Regional Water Board, pursuant to CWC section 13385(k)(2), relies upon the State Water Resources Control Board's determination as to whether the Cascade Shores Wastewater Treatment Plant serves a population with a financial hardship. Staff at the State Water Resources Control Board prepared a memorandum dated 15 September 2005, which determined that the Nevada County Sanitation District No. 1 Cascade Shores Wastewater Treatment Plant is a publicly owned treatment works serving a small community within the meaning of CWC section 13385(k)(2). On 18 August 2008, the Executive Director of the State Water Board confirmed that determination.
20. The Discharger is in the process of spending an estimated \$4,541,474 on a Compliance Project to construct a new wastewater treatment plant to meet effluent limitations that will correct the violations. The project will include screens, a lift station, flow equalization tank, Parshall flume, an enhanced activated sludge process, dissolved air flotation, two membrane filters, ultraviolet disinfection, and aerobic sludge digestion. On 3 June 2008, the Discharger submitted the project outline, the project schedule, and the estimated total project costs. The submittal also included a financing plan for the project, including obtaining a State Revolving Fund loan, a Small Community Wastewater Grant, a Community Block Grant, and an insurance settlement. Of these sources of funding, \$2,159,702 comes from grants, which cannot be used to offset compliance project costs. However, the remainder of the costs (\$2,381,772) can be applied to the Compliance Project in lieu of the Regional Water Board assessing the mandatory minimum penalties. The project outline and financing plan is incorporated into this Order by reference.
21. The Regional Water Board finds that the Compliance Project has been designed to correct the violations that led to the issuance of this Administrative Civil Liability Order within five years, and that the Compliance Project is in accordance with the enforcement policy of the State Water Board. The Discharger plans to expend on the Compliance Project an amount in excess of the mandatory minimum penalty that is required by CWC sections 13385(h) and (i), excluding grants.

22. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).
23. On 15 March 2007, the Regional Water Board explicitly delegated to the Executive Officer the authority to issue orders to assess administrative civil liability where the matter is not contested by the Discharger (Resolution R5-2007-0009).
24. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this tentative Order becomes final, except that if the thirtieth day following the date that this tentative Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. This tentative Order is set to become final on 29 September 2008. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that Administrative Civil Liability Complaint No. R5-2008-0521 is rescinded and:

1. The Nevada County Sanitation District No. 1, its agents, successors and assigns, shall be assessed Administrative Civil Liability in the amount of **four hundred fifty thousand dollars (\$450,000)**.
2. The entire \$450,000 penalty shall be suspended if the Discharger complies with the following time schedule to complete its compliance project:

Task	Compliance Date
Complete construction of the new wastewater treatment plant	31 December 2008
Complete Startup testing and achieve full compliance	31 January 2009
Submit final documentation of Compliance Project costs	1 March 2009

3. A progress report shall be submitted on or before each of the above compliance dates. The report shall describe the work undertaken to comply with this Order.
4. The Executive Officer may extend the abovementioned deadlines if the Discharger demonstrates that unforeseeable contingencies have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The Discharger shall make any deadline extension request in writing. Under no circumstances may the completion of the Compliance Project extend past five (5) years from the issuance of this Order.

5. The Discharger must obtain explicit approval from the Executive Officer for any significant departures from the project outline submitted on 3 June 2008. Failure to obtain approval for any significant departures will result in the assessment of the full amount of the suspended mandatory minimum penalty.
6. If, in the judgment of the Executive Officer, the Discharger fails to complete the compliance project in accordance with the specified time schedule or fails to construct the Compliance Project in accordance with the Proposal without obtaining Regional Water Board approval, the suspended mandatory minimum penalty **(\$450,000)** must be paid within 30 days of notification by the Executive Officer of such failure.

PAMELA C. CREEDON, Executive Officer

<date>

Attachment A: Record of Violations
Attachment B: Technical Memorandum
BLH: 08/28/08

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**ATTACHMENT A
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2008-0554**

**Nevada County Sanitation District No. 1
Cascade Shores Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2000-30 April 2008) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. 94-160 and 5-01-177)

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
1	18-Jan-00	TCO	MPN/100 mL	23	110	Daily Maximum		3
2	02-Mar-00	pH	pH Units	6.5	6.3	Daily Minimum		3
3	16-Apr-00	pH	pH Units	6.5	6.0	Daily Minimum		3
4	30-Apr-00	TCO	MPN/100 mL	2.2	3	Monthly Median		4
5	05-Jul-00	pH	pH Units	6.5	3.1	Daily Minimum		4
6	06-Aug-00	pH	pH Units	6.5	5.8	Daily Minimum		4
7	22-Nov-00	pH	pH Units	6.5	6.2	Daily Minimum		3
8	14-Feb-01	pH	pH Units	6.5	3.6	Daily Minimum		3
9	20-Feb-01	pH	pH Units	6.5	5.5	Daily Minimum		3
10	22-Apr-01	pH	pH Units	6.5	3.3	Daily Minimum		4
11	08-May-01	TCO	MPN/100 mL	23	70	Daily Maximum		4
12	13-May-01	pH	pH Units	6.5	6.0	Daily Minimum		4
13	21-May-01	TSS	mg/l	35	45	Daily Maximum		4
14	26-May-01	TSS	mg/l	20	35	Weekly Average		1
15	31-May-01	TSS	mg/l	15	18	Monthly Average		4
16	05-Jun-01	TCO	MPN/100 mL	23	130	Daily Maximum		4
17	28-Aug-01	pH	pH Units	6.5	2.8	Daily Minimum		4
18	28-Aug-01	TSS	mg/L	35	39	Daily Maximum		4
19	02-Sep-01	DO	mg/L	7.0	4	Daily Minimum		4
20	04-Sep-01	DO	mg/L	7.0	4.2	Daily Minimum		4
21	06-Sep-01	DO	mg/L	7.0	3.4	Daily Minimum		4
22	09-Sep-01	DO	mg/L	7.0	6.0	Daily Minimum		4
23	11-Sep-01	DO	mg/L	7.0	5.6	Daily Minimum		4
24	13-Sep-01	DO	mg/L	7.0	4.6	Daily Minimum		4
25	18-Sep-01	DO	mg/L	7.0	5.5	Daily Minimum		4
26	20-Sep-01	DO	mg/L	7.0	5.9	Daily Minimum		4
27	25-Sep-01	DO	mg/L	7.0	6.3	Daily Minimum		4
28	27-Sep-01	DO	mg/L	7.0	6.3	Daily Minimum		4
29	02-Oct-01	DO	mg/L	7.0	6.8	Daily Minimum		4
30	04-Oct-01	DO	mg/L	7.0	6.8	Daily Minimum		4
31	07-Oct-01	DO	mg/L	7.0	5.4	Daily Minimum		4
32	09-Oct-01	DO	mg/L	7.0	6.5	Daily Minimum		4
33	09-Oct-01	pH	pH Units	6.5	5.8	Daily Minimum		4

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#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
34	11-Oct-01	DO	mg/L	7.0	5.5	Daily Minimum		4
35	16-Oct-01	DO	mg/L	7.0	6.6	Daily Minimum		4
36	18-Oct-01	DO	mg/L	7.0	5.7	Daily Minimum		4
37	01-Nov-01	DO	mg/L	7.0	6.6	Daily Minimum		4
38	08-Nov-01	pH	pH Units	6.5	3.8	Daily Minimum		4
39	13-Nov-01	DO	mg/L	7.0	6.6	Daily Minimum		4
40	15-Nov-01	DO	mg/L	7.0	6.9	Daily Minimum		4
41	27-Nov-01	DO	mg/L	7.0	6.6	Daily Minimum		4
42	01-Jan-02	Settleable Solids	mL/L	0.2	0.4	Daily Maximum		1
43	03-Jan-02	TSS	lbs/day	7.6	13.5	Daily Maximum	0.042	5
44	03-Jan-02	Settleable Solids	ml/l	0.2	0.4	Daily Maximum		1
45	03-Jan-02	TSS	mg/L	35	51	Daily Maximum		1
46	05-Jan-02	TSS	lbs/day	4.3	8.5	Weekly Average	0.033	5
47	05-Jan-02	TSS	mg/L	20	35	Weekly Average		1
48	31-Jan-02	TSS	mg/L	15	19	Monthly Average		4
49	31-Jan-02	TSS	lbs/day	3.3	3.7	Monthly Average	0.020	4
50	21-Feb-02	pH	pH Units	6.5	3.5	Daily Minimum		4
51	23-Mar-02	TSS	mg/L	20	35	Weekly Average		1
52	23-Mar-02	BOD	mg/L	20	24	Weekly Average		4
53	23-Mar-02	TSS	lbs/day	4.3	5.0	Weekly Average	0.021	4
54	23-Mar-02	BOD	lbs/day	4.3	6.2	Weekly Average	0.021	1
55	31-Mar-02	TSS	mg/L	15	23	Monthly Average		1
56	02-Apr-02	TCO	MPN/100 mL	23	50	Daily Maximum		4
57	27-Jun-02	pH	pH Units	6.5	6.0	Daily Minimum		4
58	27-Aug-02	TCO	MPN/100 mL	23	1600	Daily Maximum		4
59	29-Aug-02	TCO	MPN/100 mL	23	80	Daily Maximum		4
60	20-Oct-02	Chlorine Residual	mg/L	0.02	20	Daily Maximum		2
61	06-Jan-03	TCO	MPN/100 mL	23	1600	Daily Maximum		4
62	09-Jan-03	TCO	MPN/100 mL	23	1600	Daily Maximum		4
63	21-Jan-03	TCO	MPN/100 mL	23	900	Daily Maximum		4
64	23-Jan-03	TCO	MPN/100 mL	23	170	Daily Maximum		4
65	31-Jan-03	TCO	MPN/100 mL	2.2	3	Monthly Median		4
66	06-Feb-03	TCO	MPN/100 mL	23	300	Daily Maximum		4

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#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
67	20-Feb-03	TCO	MPN/100 mL	23	130	Daily Maximum		4
68	28-Feb-03	TCO	MPN/100 mL	2.2	3	Monthly Median		4
69	06-Mar-03	TCO	MPN/100 mL	23	30	Daily Maximum		4
70	11-Mar-03	TCO	MPN/100 mL	23	27	Daily Maximum		4
71	13-Mar-03	TCO	MPN/100 mL	23	240	Daily Maximum		4
72	18-Mar-03	TCO	MPN/100 mL	23	37	Daily Maximum		4
73	31-Mar-03	TCO	MPN/100 mL	2.2	15.5	Monthly Median		4
74	01-Jul-03	TCO	MPN/100 mL	23	30	Daily Maximum		4
75	03-Jul-03	TCO	MPN/100 mL	23	1600	Daily Maximum		4
76	05-Jul-03	BOD	mg/l	20	34	Weekly Average		1
77	22-Jul-03	TCO	MPN/100 mL	23	500	Daily Maximum		4
78	31-Jul-03	TCO	MPN/100 mL	2.2	11	Monthly Median		4
79	04-Sep-03	DO	mg/L	7.0	6.9	Daily Minimum		4
80	09-Sep-03	TCO	MPN/100 mL	23	900	Daily Maximum		4
81	10-Nov-03	TCO	MPN/100 mL	23	110	Daily Maximum		4
82	22-Nov-03	TSS	mg/L	20	30	Weekly Average		1
83	25-Nov-03	TCO	MPN/100 mL	23	900	Daily Maximum		4
84	26-Nov-03	TCO	MPN/100 mL	23	500	Daily Maximum		4
85	30-Nov-03	TSS	mg/L	15	18	Monthly Average		4
86	03-Dec-03	TCO	MPN/100 mL	23	30	Daily Maximum		4
87	13-Dec-03	TSS	mg/L	20	26	Weekly Average		4
88	23-Dec-03	TCO	MPN/100 mL	23	1600	Daily Maximum		4
89	24-Dec-03	TCO	MPN/100 mL	23	30	Daily Maximum		4
90	27-Dec-03	BOD	mg/L	20	30	Weekly Average		1
91	27-Dec-03	BOD	lbs/day	4.3	7.2	Weekly Average	0.027	5
92	31-Dec-03	TCO	MPN/100 mL	2.2	4	Monthly Median		4
93	31-Dec-03	TSS	mg/l	15	22	Monthly Average		1
94	01-Jan-04	TSS	lbs/day	7.6	16	Daily Maximum	0.060	5
95	03-Jan-04	TSS	mg/l	20	32	Weekly Average		1

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#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
96	03-Jan-04	BOD	lbs/day	7.6	12	Daily Maximum	0.030	5
97	03-Jan-04	BOD	lbs/day	4.3	12	Weekly Average	0.035	5
98	03-Jan-04	BOD	mg/l	20	24	Weekly Average		4
99	03-Jan-04	TSS	lbs/day	4.3	16	Weekly Average	0.035	5
100	10-Jan-04	Chlorine Residual	mg/L	0.02	27	Daily Maximum		2
101	11-Jan-04	pH	pH Units	6.5	3.8	Daily Minimum		4
102	24-Jan-04	BOD	mg/L	20	29	Weekly Average		1
103	24-Jan-04	TSS	mg/L	20	23	Weekly Average		4
104	24-Jan-04	BOD	lbs/day	4.3	4.8	Weekly Average	0.020	4
105	31-Jan-04	BOD	lbs/day	3.3	5.6	Monthly Average	0.025	1
106	31-Jan-04	TSS	lbs/day	3.3	6.4	Monthly Average	0.025	1
107	31-Jan-04	TSS	mg/L	20	22	Weekly Average		4
108	31-Jan-04	BOD	mg/L	15	16	Monthly Average		4
109	31-Jan-04	BOD	lbs/day	4.3	5.5	Weekly Average	0.026	4
110	31-Jan-04	TSS	mg/l	15	20	Monthly Average		4
111	31-Jan-04	TSS	lbs/day	4.3	7.3	Weekly Average	0.026	1
112	07-Feb-04	TSS	lbs/day	4.3	6.0	Weekly Average	0.032	5
113	07-Feb-04	BOD	lbs/day	4.3	5.0	Weekly Average	0.032	5
114	07-Feb-04	TSS	mg/L	20	23	Weekly Average		4
115	14-Feb-04	BOD	mg/L	20	28	Weekly Average		1
116	14-Feb-04	TSS	mg/L	20	28	Weekly Average		1
117	14-Feb-04	BOD	lbs/day	4.3	4.8	Weekly Average	0.022	4
118	14-Feb-04	TSS	lbs/day	4.3	4.8	Weekly Average	0.022	4
119	16-Feb-04	BOD	mg/l	35	40	Daily Maximum		4
120	16-Feb-04	BOD	lbs/day	7.6	13.6	Daily Maximum	0.041	5
121	21-Feb-04	BOD	mg/l	20	40	Weekly Average		1
122	21-Feb-04	BOD	lbs/day	4.3	13.3	Weekly Average	0.040	5
123	21-Feb-04	TSS	lbs/day	4.3	6.4	Weekly Average	0.040	5
124	28-Feb-04	BOD	lbs/day	4.3	5.1	Weekly Average	0.045	5
125	28-Feb-04	TSS	lbs/day	4.3	7.0	Weekly Average	0.045	5
126	29-Feb-04	TCO	MPN/100	2.2	9.0	Monthly Median		4

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#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
6			mL					
12						Monthly		
7	29-Feb-04	BOD	lbs/day	3.3	7.1	Average	0.034	5
12						Monthly		
8	29-Feb-04	TSS	lbs/day	3.3	6.1	Average	0.034	5
12								
9	20-Mar-04	BOD	mg/l	20	25	Weekly Average		4
13			MPN/100					
0	30-Mar-04	TCO	mL	23	300	Daily Maximum		4
13						Monthly		
1	31-Mar-04	TSS	mg/l	15	17	Average		4
13			MPN/100					
2	29-Apr-04	TCO	mL	23	70	Daily Maximum		4
13			MPN/100					
3	03-Jun-04	TCO	mL	23	1600	Daily Maximum		4
13			MPN/100					
4	24-Jun-04	TCO	mL	23	240	Daily Maximum		4
13								
5	06-Jul-04	TSS	mg/l	35	37	Daily Maximum		4
13			MPN/100					
6	06-Jul-04	TCO	mL	23	1600	Daily Maximum		4
13			MPN/100					
7	08-Jul-04	TCO	mL	23	240	Daily Maximum		4
13								
8	10-Jul-04	TSS	mg/L	20	37	Weekly Average		1
13								
9	17-Jul-04	TSS	mg/L	20	31	Weekly Average		1
14								
0	24-Jul-04	TSS	mg/L	20	34	Weekly Average		1
14						Monthly		
1	31-Jul-04	TSS	mg/L	15	27	Average		1
14			MPN/100					
2	17-Aug-04	TCO	mL	23	1600	Daily Maximum		4
14			MPN/100					
3	09-Sep-04	TCO	mL	23	500	Daily Maximum		4
14			MPN/100					
4	21-Dec-04	TCO	mL	23	1600	Daily Maximum		4
14								
5	25-Dec-04	TSS	mg/L	20	24	Weekly Average		4
14								
6	08-Jan-05	BOD	mg/L	20	21	Weekly Average		4
14								
7	12-Feb-05	TSS	mg/L	20	34	Weekly Average		1
14								
8	12-Feb-05	TSS	lbs/day	4.3	4.6	Weekly Average	0.019	4
14								
9	26-Mar-05	TSS	lbs/day	4.3	5.7	Weekly Average	0.058	5
15								
0	14-Aug-05	pH	pH Units	6.5	6.4	Daily Minimum		3
15								
1	08-Nov-05	pH	pH Units	6.5	2.7	Daily Minimum		1
15	17-Dec-05	TSS	mg/L	20	21	Weekly Average		3

TENTATIVE ORDER

ATTACHMENT A
NEVADA COUNTY SANITATION DISTRICT NO. 1
CASCADE SHORES WASTEWATER TREATMENT PLANT
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2008-0554

6

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
2								
15								
3	23-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
15								
4	24-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
15								
5	24-Dec-05	TSS	mg/L	20	34	Weekly Average		1
15								
6	31-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
15								
7	23-May-06	TCO	MPN/100 mL	23	240	Daily Maximum		4
15								
8	06-Jun-06	TCO	MPN/100 mL	23	80	Daily Maximum		4
15								
9	24-Jul-06	TCO	MPN/100 mL	23	500	Daily Maximum		3
16								
0	23-Aug-06	pH	pH Units	8.5	9.3	Daily Maximum		4
16								
1	13-Nov-06	Settleable Solids	mL/L	0.1	0.4	Daily Maximum		1
16								
2	24-Mar-07	DO	mg/L	7.0	6.4	Daily Minimum		4
16								
3	31-Mar-07	TCO	MPN/100 mL	2.2	5.5	Monthly Median		4
16								
4	24-Jul-07	DO	mg/L	7.0	6.4	Daily Minimum		3
16								
5	03-Oct-07	TCO	MPN/100 mL	2.2	9	Monthly Average		3
16								
6	07-Oct-07	Chlorine Residual	mg/L	0.02	2.1	Daily Maximum		2
16								
7	17-Oct-07	TCO	MPN/100 mL	23	50	Daily Maximum		3
16								
8	17-Oct-07	TCO	MPN/100 mL	2.2	9	7-day Median		4
16								
9	19-Nov-07	Ammonia	mg/L	6.44	7.6	Weekly Average		4
17								
0	29-Nov-07	Ammonia	mg/L	6.29	9	Weekly Average		1
17								
1	06-Dec-07	Ammonia	mg/L	6.29	10	Weekly Average		1
17								
2	12-Dec-07	TCO	MPN/100 mL	2.2	2.5	7-day Median		4
17								
3	26-Dec-07	TCO	MPN/100 mL	2.2	2.5	7-day Median		4
17								
4	14-Feb-08	Ammonia	mg/L	6.44	12.5	Weekly Average		1
17								
5	21-Feb-08	Ammonia	mg/L	6.44	12.6	Weekly Average		1
17								
6	26-Feb-08	Ammonia	mg/L	6.44	10.7	Weekly Average		1
17								
7	06-Mar-08	Ammonia	mg/L	6.44	17.1	Weekly Average		1
17								
17	12-Mar-08	Ammonia	mg/L	6.57	7.5	Weekly Average		4

TENTATIVE ORDER

ATTACHMENT A
NEVADA COUNTY SANITATION DISTRICT NO. 1
CASCADE SHORES WASTEWATER TREATMENT PLANT
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2008-0554

7

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
8								
17			MPN/100					
9	14-Apr-08	TCO	mL	2.2	2.5	7-day Median		4

Remarks:

1. Serious Violation: For Group 1 pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group 2 pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.
5. Mass limit exceedances due only to wet weather are not assessed MMPs, as the limit is based on the dry weather design treatment capacity.

<u>VIOLATIONS AS OF:</u>		<u>30 April 2008</u>
Group 1 Serious Violations:		34
Group 2 Serious Violations:		3
Non-serious Violations, Subject to MMPs:		113
Non-serious Violations, Exempt from MMPs:		12
Mass Rate Violations Due to Wet Weather, Exempt from MMPs:		17
<u>Total Violations Subject to MMPs:</u>		<u>150</u>

Mandatory Minimum Penalty = (37 Serious Violations + 113 Non-Serious Violations) × \$3,000 = \$450,000

* Arithmetic mean of all 1-day flow rates, in MGD, while discharging to surface waters during limitation period. Values greater than the average daily design flow rate (0.026 MGD) are considered wet weather flows.

TENTATIVE ORDER



Linda S. Adams
Secretary for
Environmental Protection

ATTACHMENT B
California Regional Water Quality Control Board
Central Valley Region

Karl E. Longley, ScD, P.E., Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645



Arnold
Schwarzenegger
Governor

TO: Patricia Leary, Senior Engineer
NPDES Compliance and Enforcement

FROM: Barry Hilton, WRCE
NPDES Compliance and Enforcement

DATE: 27 August 2008

SIGNATURE: _____

SUBJECT: CASCADE SHORES

In attachment A, I made the following additions:

New violations 165, 166, and 168-179. Old violation 165 is new violation 167.

The Discharger received protection from MMPs for ammonia through 30 September 2007, the Cease and Desist Order compliance date. The previous Record of Violations was through 31 December 2007 and included one total coliform violation for October 2007. The new violations reflect ammonia, chlorine residual, and total coliform organisms violations that have occurred since 30 September 2007.

T E N T A T I V E O R D E R

ATTACHMENT A
Nevada County Sanitation District No. 1
Cascade Shores Wastewater Treatment Plant

RECORD OF VIOLATIONS (1 January 2000-30 April 2008~~31 December 2007~~) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Program Nos. 94-160 and 5-01-177)

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
1	18-Jan-00	TCO	MPN/100 mL	23	110	Daily Maximum		3
2	02-Mar-00	pH	pH Units	6.5	6.3	Daily Minimum		3
3	16-Apr-00	pH	pH Units	6.5	6.0	Daily Minimum		3
4	30-Apr-00	TCO	MPN/100 mL	2.2	3	Monthly Median		4
5	05-Jul-00	pH	pH Units	6.5	3.1	Daily Minimum		4
6	06-Aug-00	pH	pH Units	6.5	5.8	Daily Minimum		4
7	22-Nov-00	pH	pH Units	6.5	6.2	Daily Minimum		3
8	14-Feb-01	pH	pH Units	6.5	3.6	Daily Minimum		3
9	20-Feb-01	pH	pH Units	6.5	5.5	Daily Minimum		3
10	22-Apr-01	pH	pH Units	6.5	3.3	Daily Minimum		4
11	08-May-01	TCO	MPN/100 mL	23	70	Daily Maximum		4
12	13-May-01	pH	pH Units	6.5	6.0	Daily Minimum		4
13	21-May-01	TSS	mg/L	35	45	Daily Maximum		4
14	26-May-01	TSS	mg/L	20	35	Weekly Average		1
15	31-May-01	TSS	mg/L	15	18	Monthly Average		4
16	05-Jun-01	TCO	MPN/100 mL	23	130	Daily Maximum		4
17	28-Aug-01	pH	pH Units	6.5	2.8	Daily Minimum		4
18	28-Aug-01	TSS	mg/L	35	39	Daily Maximum		4
19	02-Sep-01	DO	mg/L	7.0	4	Daily Minimum		4
20	04-Sep-01	DO	mg/L	7.0	4.2	Daily Minimum		4
21	06-Sep-01	DO	mg/L	7.0	3.4	Daily Minimum		4
22	09-Sep-01	DO	mg/L	7.0	6.0	Daily Minimum		4
23	11-Sep-01	DO	mg/L	7.0	5.6	Daily Minimum		4
24	13-Sep-01	DO	mg/L	7.0	4.6	Daily Minimum		4
25	18-Sep-01	DO	mg/L	7.0	5.5	Daily Minimum		4
26	20-Sep-01	DO	mg/L	7.0	5.9	Daily Minimum		4
27	25-Sep-01	DO	mg/L	7.0	6.3	Daily Minimum		4
28	27-Sep-01	DO	mg/L	7.0	6.3	Daily Minimum		4
29	02-Oct-01	DO	mg/L	7.0	6.8	Daily Minimum		4
30	04-Oct-01	DO	mg/L	7.0	6.8	Daily Minimum		4
31	07-Oct-01	DO	mg/L	7.0	5.4	Daily Minimum		4
32	09-Oct-01	DO	mg/L	7.0	6.5	Daily Minimum		4
33	09-Oct-01	pH	pH Units	6.5	5.8	Daily Minimum		4
34	11-Oct-01	DO	mg/L	7.0	5.5	Daily Minimum		4
35	16-Oct-01	DO	mg/L	7.0	6.6	Daily Minimum		4

TENTATIVE ORDER

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
36	18-Oct-01	DO	mg/L	7.0	5.7	Daily Minimum		4
37	01-Nov-01	DO	mg/L	7.0	6.6	Daily Minimum		4
38	08-Nov-01	pH	pH Units	6.5	3.8	Daily Minimum		4
39	13-Nov-01	DO	mg/L	7.0	6.6	Daily Minimum		4
40	15-Nov-01	DO	mg/L	7.0	6.9	Daily Minimum		4
41	27-Nov-01	DO	mg/L	7.0	6.6	Daily Minimum		4
42	01-Jan-02	Settleable Solids	ml/l	0.2	0.4	Daily Maximum		1
43	03-Jan-02	TSS	lbs/day	7.6	13.5	Daily Maximum	0.042	5
44	03-Jan-02	Settleable Solids	ml/l	0.2	0.4	Daily Maximum		1
45	03-Jan-02	TSS	mg/L	35	51	Daily Maximum		1
46	05-Jan-02	TSS	lbs/day	4.3	8.5	Weekly Average	0.033	5
47	05-Jan-02	TSS	mg/L	20	35	Weekly Average		1
48	31-Jan-02	TSS	mg/L	15	19	Monthly Average		4
49	31-Jan-02	TSS	lbs/day	3.3	3.7	Monthly Average	0.020	4
50	21-Feb-02	pH	pH Units	6.5	3.5	Daily Minimum		4
51	23-Mar-02	TSS	mg/L	20	35	Weekly Average		1
52	23-Mar-02	BOD	mg/L	20	24	Weekly Average		4
53	23-Mar-02	TSS	lbs/day	4.3	5.0	Weekly Average	0.021	4
54	23-Mar-02	BOD	lbs/day	4.3	6.2	Weekly Average	0.021	1
55	31-Mar-02	TSS	mg/L	15	23	Monthly Average		1
56	02-Apr-02	TCO	MPN/100 mL	23	50	Daily Maximum		4
57	27-Jun-02	pH	pH Units	6.5	6.0	Daily Minimum		4
58	27-Aug-02	TCO	MPN/100 mL	23	1600	Daily Maximum		4
59	29-Aug-02	TCO	MPN/100 mL	23	80	Daily Maximum		4
60	20-Oct-02	Chlorine Residual	mg/L	0.02	20	Daily Maximum		2
61	06-Jan-03	TCO	MPN/100 mL	23	1600	Daily Maximum		4
62	09-Jan-03	TCO	MPN/100 mL	23	1600	Daily Maximum		4
63	21-Jan-03	TCO	MPN/100 mL	23	900	Daily Maximum		4
64	23-Jan-03	TCO	MPN/100 mL	23	170	Daily Maximum		4
65	31-Jan-03	TCO	MPN/100 mL	2.2	3	Monthly Median		4
66	06-Feb-03	TCO	MPN/100 mL	23	300	Daily Maximum		4
67	20-Feb-03	TCO	MPN/100 mL	23	130	Daily Maximum		4
68	28-Feb-03	TCO	MPN/100 mL	2.2	3	Monthly Median		4
69	06-Mar-03	TCO	MPN/100 mL	23	30	Daily Maximum		4

TENTATIVE ORDER

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
70	11-Mar-03	TCO	MPN/100 mL	23	27	Daily Maximum		4
71	13-Mar-03	TCO	MPN/100 mL	23	240	Daily Maximum		4
72	18-Mar-03	TCO	MPN/100 mL	23	37	Daily Maximum		4
73	31-Mar-03	TCO	MPN/100 mL	2.2	15.5	Monthly Median		4
74	01-Jul-03	TCO	MPN/100 mL	23	30	Daily Maximum		4
75	03-Jul-03	TCO	MPN/100 mL	23	1600	Daily Maximum		4
76	05-Jul-03	BOD	mg/L	20	34	Weekly Average		1
77	22-Jul-03	TCO	MPN/100 mL	23	500	Daily Maximum		4
78	31-Jul-03	TCO	MPN/100 mL	2.2	11	Monthly Median		4
79	04-Sep-03	DO	mg/L	7.0	6.9	Daily Minimum		4
80	09-Sep-03	TCO	MPN/100 mL	23	900	Daily Maximum		4
81	10-Nov-03	TCO	MPN/100 mL	23	110	Daily Maximum		4
82	22-Nov-03	TSS	mg/L	20	30	Weekly Average		1
83	25-Nov-03	TCO	MPN/100 mL	23	900	Daily Maximum		4
84	26-Nov-03	TCO	MPN/100 mL	23	500	Daily Maximum		4
85	30-Nov-03	TSS	mg/L	15	18	Monthly Average		4
86	03-Dec-03	TCO	MPN/100 mL	23	30	Daily Maximum		4
87	13-Dec-03	TSS	mg/L	20	26	Weekly Average		4
88	23-Dec-03	TCO	MPN/100 mL	23	1600	Daily Maximum		4
89	24-Dec-03	TCO	MPN/100 mL	23	30	Daily Maximum		4
90	27-Dec-03	BOD	mg/L	20	30	Weekly Average		1
91	27-Dec-03	BOD	lbs/day	4.3	7.2	Weekly Average	0.027	5
92	31-Dec-03	TCO	MPN/100 mL	2.2	4	Monthly Median		4
93	31-Dec-03	TSS	mg/L	15	22	Monthly Average		1
94	01-Jan-04	TSS	lbs/day	7.6	16	Daily Maximum	0.060	5
95	03-Jan-04	TSS	mg/L	20	32	Weekly Average		1
96	03-Jan-04	BOD	lbs/day	7.6	12	Daily Maximum	0.030	5
97	03-Jan-04	BOD	lbs/day	4.3	12	Weekly Average	0.035	5
98	03-Jan-04	BOD	mg/L	20	24	Weekly Average		4
99	03-Jan-04	TSS	lbs/day	4.3	16	Weekly Average	0.035	5
100	10-Jan-04	Chlorine Residual	mg/L	0.02	27	Daily Maximum		2
101	11-Jan-04	pH	pH Units	6.5	3.8	Daily Minimum		4
102	24-Jan-04	BOD	mg/l	20	29	Weekly Average		1

TENTATIVE ORDER

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
103	24-Jan-04	TSS	mg/l	20	23	Weekly Average		4
104	24-Jan-04	BOD	lbs/day	4.3	4.8	Weekly Average	0.020	4
105	31-Jan-04	BOD	lbs/day	3.3	5.6	Monthly Average	0.025	1
106	31-Jan-04	TSS	lbs/day	3.3	6.4	Monthly Average	0.025	1
107	31-Jan-04	TSS	mg/L	20	22	Weekly Average		4
108	31-Jan-04	BOD	mg/L	15	16	Monthly Average		4
109	31-Jan-04	BOD	lbs/day	4.3	5.5	Weekly Average	0.026	4
110	31-Jan-04	TSS	mg/L	15	20	Monthly Average		4
111	31-Jan-04	TSS	lbs/day	4.3	7.3	Weekly Average	0.026	1
112	07-Feb-04	TSS	lbs/day	4.3	6.0	Weekly Average	0.032	5
113	07-Feb-04	BOD	lbs/day	4.3	5.0	Weekly Average	0.032	5
114	07-Feb-04	TSS	mg/L	20	23	Weekly Average		4
115	14-Feb-04	BOD	mg/L	20	28	Weekly Average		1
116	14-Feb-04	TSS	mg/L	20	28	Weekly Average		1
117	14-Feb-04	BOD	lbs/day	4.3	4.8	Weekly Average	0.022	4
118	14-Feb-04	TSS	lbs/day	4.3	4.8	Weekly Average	0.022	4
119	16-Feb-04	BOD	mg/L	35	40	Daily Maximum		4
120	16-Feb-04	BOD	lbs/day	7.6	13.6	Daily Maximum	0.041	5
121	21-Feb-04	BOD	mg/L	20	40	Weekly Average		1
122	21-Feb-04	BOD	lbs/day	4.3	13.3	Weekly Average	0.040	5
123	21-Feb-04	TSS	lbs/day	4.3	6.4	Weekly Average	0.040	5
124	28-Feb-04	BOD	lbs/day	4.3	5.1	Weekly Average	0.045	5
125	28-Feb-04	TSS	lbs/day	4.3	7.0	Weekly Average	0.045	5
126	29-Feb-04	TCO	MPN/100 mL	2.2	9.0	Monthly Median		4
127	29-Feb-04	BOD	lbs/day	3.3	7.1	Monthly Average	0.034	5
128	29-Feb-04	TSS	lbs/day	3.3	6.1	Monthly Average	0.034	5
129	20-Mar-04	BOD	mg/L	20	25	Weekly Average		4
130	30-Mar-04	TCO	MPN/100 mL	23	300	Daily Maximum		4
131	31-Mar-04	TSS	mg/L	15	17	Monthly Average		4
132	29-Apr-04	TCO	MPN/100 mL	23	70	Daily Maximum		4
133	03-Jun-04	TCO	MPN/100 mL	23	1600	Daily Maximum		4
134	24-Jun-04	TCO	MPN/100 mL	23	240	Daily Maximum		4
135	06-Jul-04	TSS	mg/L	35	37	Daily Maximum		4
136	06-Jul-04	TCO	MPN/100 mL	23	1600	Daily Maximum		4
137	08-Jul-04	TCO	MPN/100 mL	23	240	Daily Maximum		4

TENTATIVE ORDER

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
138	10-Jul-04	TSS	mg/L	20	37	Weekly Average		1
139	17-Jul-04	TSS	mg/L	20	31	Weekly Average		1
140	24-Jul-04	TSS	mg/L	20	34	Weekly Average		1
141	31-Jul-04	TSS	mg/L	15	27	Monthly Average		1
142	17-Aug-04	TCO	MPN/100 mL	23	1600	Daily Maximum		4
143	09-Sep-04	TCO	MPN/100 mL	23	500	Daily Maximum		4
144	21-Dec-04	TCO	MPN/100 mL	23	1600	Daily Maximum		4
145	25-Dec-04	TSS	mg/L	20	24	Weekly Average		4
146	08-Jan-05	BOD	mg/L	20	21	Weekly Average		4
147	12-Feb-05	TSS	mg/L	20	34	Weekly Average		1
148	12-Feb-05	TSS	lbs/day	4.3	4.6	Weekly Average	0.019	4
149	26-Mar-05	TSS	lbs/day	4.3	5.7	Weekly Average	0.058	5
150	14-Aug-05	pH	pH Units	6.5	6.4	Daily Minimum		3
151	08-Nov-05	pH	pH Units	6.5	2.7	Daily Minimum		1
152	17-Dec-05	TSS	mg/L	20	21	Weekly Average		3
153	23-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
154	24-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
155	24-Dec-05	TSS	mg/L	20	34	Weekly Average		1
156	31-Dec-05	pH	pH Units	6.5	6.3	Daily Minimum		4
157	23-May-06	TCO	MPN/100 mL	23	240	Daily Maximum		4
158	06-Jun-06	TCO	MPN/100 mL	23	80	Daily Maximum		4
159	24-Jul-06	TCO	MPN/100 mL	23	500	Daily Maximum		3
160	23-Aug-06	pH	pH Units	8.5	9.3	Daily Maximum		4
161	13-Nov-06	Settleable Solids	ml/L	0.1	0.4	Daily Maximum		1
162	24-Mar-07	DO	mg/L	7.0	6.4	Daily Minimum		4
163	31-Mar-07	TCO	MPN/100 mL	2.2	5.5	Monthly Median		4
164	24-Jul-07	DO	mg/L	7.0	6.4	Daily Minimum		3
165	03-Oct-07	TCO	MPN/100 mL	2.2	9	Monthly		3
166	07-Oct-07	Chlorine Residual	mg/l	0.02	2.1	Daily		2
167	17-Oct-07	TCO	MPN/100 mL	23	50	Daily Maximum		3
168	17-Oct-07	TCO	MPN/100 mL	2.2	9	Monthly		4
169	19-Nov-07	Ammonia	mg/L	6.44	7.6	Weekly		4
170	29-Nov-07	Ammonia	mg/L	6.29	9	Weekly		1
171	06-Dec-07	Ammonia	mg/L	6.29	10	Weekly		1
172	12-Dec-07	TCO	MPN/100 mL	2.2	2.5	Monthly		4
173	26-Dec-07	TCO	MPN/100	2.2	2.5	Monthly		4

TENTATIVE ORDER

#	Violation Date	Constituent	Units	Limit	Result	Limitation Period	Flow Rate*	Remarks
			<u>mL</u>					
174	<u>14-Feb-08</u>	<u>Ammonia</u>	mg/L	<u>6.44</u>	<u>12.5</u>	<u>Weekly</u>		<u>1</u>
175	<u>21-Feb-08</u>	<u>Ammonia</u>	mg/L	<u>6.44</u>	<u>12.6</u>	<u>Weekly</u>		<u>1</u>
176	<u>26-Feb-08</u>	<u>Ammonia</u>	mg/L	<u>6.44</u>	<u>10.7</u>	<u>Weekly</u>		<u>1</u>
177	<u>06-Mar-08</u>	<u>Ammonia</u>	mg/L	<u>6.44</u>	<u>17.1</u>	<u>Weekly</u>		<u>1</u>
178	<u>12-Mar-08</u>	<u>Ammonia</u>	mg/L	<u>6.57</u>	<u>7.5</u>	<u>Weekly</u>		<u>4</u>
			<u>MPN/100</u>					
179	<u>14-Apr-08</u>	<u>TCO</u>	<u>mL</u>	<u>2.2</u>	<u>2.5</u>	<u>7-day</u>		<u>4</u>

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.
5. Mass limit exceedances due only to wet weather are not assessed MMPs, as the limit is based on the dry weather design treatment capacity.

VIOLATIONS AS OF: 30 April 2008 ~~31 December 2007~~

Group I Serious Violations: 34 ~~28~~

Group II Serious Violations: 3 ~~2~~

Non-Serious Exempt from MPs: 12 ~~9~~

Non-serious Violations Subject to MPs: 113 ~~109~~

Mass Rate Violations Due to Wet Weather, Exempt from MMPs: 17

Total Violations Subject to MPs: 150 ~~139~~

Mandatory Minimum Penalty = (34 ~~30~~ Serious Violations + 113 ~~108~~ Non-Serious Violations) x \$3,000 = \$450 ~~447~~,000

* Arithmetic mean of all 1-day flow rates, in MGD, while discharging to surface waters during limitation period. Values greater than the average daily design flow rate (0.026 MGD) are considered wet weather flows.

TENTATIVE ORDER